

2006 OCT 20 P 12:36

October 20, 2006

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VIA HAND DELIVERY

Federal Election Commission
999 E Street, NW
Washington, DC 20463

MUR # 5855

OFFICE OF
COUNSEL

2006 OCT 20 P 3:00

Re: Complaint Against NEA Fund for Children and Public
Education - John Wilson, Treasurer

To Whom It May Concern:

Pursuant to 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4, J.D. Hayworth for Congress hereby files this Complaint against the NEA Fund for Children and Public Education ("NEA").

Complainant herein is the principal authorized committee of J.D. Hayworth, Republican congressman from the 5th District of Arizona ("the Committee").

The undersigned serves as counsel to J.D. Hayworth for Congress and is authorized to file this complaint on its behalf.

The complaint is filed against the NEA for violation of the Federal Election Campaign Act of 1971, as amended ("the Act" or "FECA") and the regulations of the Federal Election Commission ("the Commission" or "FEC"), specifically for failing to file a proper report of independent expenditures within 48 hours of making such expenditures, in violation of the requirements of the Act (2 U.S.C. §434) and FEC regulations (11 C.F.R. §104.3 and §104.4).

Facts of the Violation(s)

On or before October 18, 2006, NEA began airing television advertisements attacking Rep. J.D. Hayworth with a number of false and misleading statements. There is no report of NEA independent expenditures for any television advertising sponsored by NEA as of the date of this complaint (October 20, 2006).

Expenditures made on or before the 20th day preceding the general election on November 7, 2006, in excess of \$10,000 are required by law to be reported to the Federal Election Commission within 48-hours. See 11 C.F.R. §104.4(a)(2).

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According to FEC regulations, the content of the report must conform to the provisions of 11 C.F.R. §104.3(b)(vii), which requires that "each person who receives any disbursement during the reporting period in an aggregate amount or value in excess of \$200 within the calendar year in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of any such independent expenditure(s);"

There is *no* report of independent expenditures for television advertising filed within 48 hours of the purchase of broadcast airtime for the NEA television commercials as required by 11 C.F.R. §104.4 and §104.3(b)(vii).

NEA has failed to comply with the requirements of both the statute and the FEC's regulations by failing to provide adequate and proper notice within 48 hours of the independent expenditures for television advertising.

NEA has not provided notice of its television advertising as required by law and is, therefore, in violation of the Act.

Conclusion

Upon information and belief, and based upon the facts presented and the evidence attached hereto, NEA has violated the Federal Election Campaign Act of 1971, as amended.

Accordingly, on behalf of Complainant JD Hayworth for Congress, this complaint is duly filed for the reasons stated herein.

Submitted,

Cleta Mitchell, Esq.
Counsel to JD Hayworth for Congress

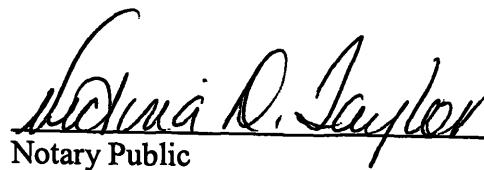


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Before me this 20th day of October, 2006, appeared Clela Mitchell, attorney at law, and under penalty of perjury did swear and affirm that the above and foregoing facts are true and correct to the best of her knowledge and belief, acting as counsel for JD Hayworth for Congress.

SEAL


Notary Public

My Commission Expires:

Victoria D. Taylor
Notary Public District of Columbia
My Commission Expires May 14, 2011